

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

V.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

## LEAD CASE

## Jury Trial Demanded

**PLAINTIFF'S REQUEST TO THE CLERK FOR  
ENTRY OF DEFAULT AS TO NITGEN & COMPANY CO., LTD.**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff Blue Spike, LLC (“Blue Spike”) respectfully requests that the Clerk of Court enter the default of Defendant Nitgen & Company Co., Ltd. (“Nitgen”). In support of this request, Blue Spike shows the following:

1. Nitgen was formally served on February 13, 2013 with a Summons and Blue Spike’s Original Complaint through its registered agent for service of process, the Texas Secretary of State, 1019 Brazos St., Austin, Texas 78701. See Exhibit A, Declaration of Christopher A. Honea in Support of Blue Spike, LLC’s Request to the Clerk of Court for Entry of Default of Defendant Nitgen & Company Co., Ltd. (“Honea Declaration”), ¶ 3.

2. Pursuant to Federal Rules of Civil Procedure 4(d) and 12, Nitgen was required to answer or otherwise respond by March 6, 2013.

3. To date, Nitgen has not filed an Answer or otherwise responded to Blue Spike's Complaint, and no attorney has made an appearance on behalf of

Nitgen or otherwise contacted Blue Spike or its attorneys to discuss this proceeding.

Honea Declaration, ¶ 5.

Therefore, Blue Spike requests that the Clerk of Court enter the default of Nitgen for failure to plead or otherwise respond. A proposed entry of default of Nitgen is included herewith for the Clerk's convenience.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day.

/s/ Randall T. Garteiser  
Randall T. Garteiser